

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

CARLOS GOMEZ,

Defendant.

21-cr-759 (PKC)

ORDER

CASTEL, Senior District Judge:

On November 2, 2022, defendant was sentenced principally to a term of 78 months imprisonment. (Minute Entry; November 2, 2022).


Defendant moved for a sentence reduction (ECF 51) pursuant to Amendment 821 to the Sentencing Guidelines which went into effect on November 1, 2023 and applies retroactively.

The United States Probation Department has issued a report indicating that defendant is not eligible for a sentence reduction. (ECF 52.)

Defendant is not eligible to receive a “Status Points” adjustment because he did not receive an enhancement for committing the instant offense while under a criminal justice sentence. He is not eligible for the “Zero-Point Offender” offense level reduction because he possessed, received, purchased, transported, sold, or otherwise disposed of a firearm or other dangerous weapon (or induced another participant to do so) in connection with the offense. He is precluded from a sentence reduction under both the Status Points and Zero-Point Offender amendments.

It is hereby ORDERED that the defendant is ineligible for a sentence reduction under Amendment 821 and the motion (ECF 51) is DENIED.

SO ORDERED.


P. Kevin Castel
United States District Judge

Dated: June 11, 2024
New York, New York

COPY MAILED TO:

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